

TOWN OF WESTFORD

PLANNING BOARD

MINUTES

DATE: November 17, 2003

TIME: 7:30 P.M.

PLACE: Westford Academy Choral Room

PRESENT: Peter Fletcher, Andrea Peraner-Sweet, Michael Green,
Robert Shaffer, Fred Palmer

OTHERS

PRESENT: Tim Greenhill-Town Planner, James Arsenault-Town Engineer, Norman Khumalo-Assistant Town Manager, Audience Members

OPEN FORUM

Master Plan Committee Discussion – Priorities and Focus – Mike Green and Fred Palmer.

MPIC Appointment – It was moved by Green, seconded by Shaffer, and VOTED UNANIMOUSLY, to appoint Diane Holmes, 59 Lowell Road, to the Master Plan Implementation Committee.

Palmer reported that the MPIC has set a goal to update the 1995 Master Plan and has been working toward that goal for the last year. Palmer stated that the MPIC is looking for input from the Board of Selectmen, the Planning Board and Town Hall relative to moving forward with the 1995 Master Plan update. Palmer stated that the update will require effort and interaction with the Boards as well as funding. Palmer stated that he and Green met with Khumalo last week to get a sense of how to proceed. Khumalo outlined the Executive Order 418 regarding funding. Khumalo suggested review of the following three

items: Executive Order 418; State Guidelines for a “Master Plan” and Smart Growth; and after review, identify what best suits the Town. Green noted that some funding will be required for any of those efforts. Green asked to bring back to the Board at the next meeting some recommendations. Green reported that the MPIC is also looking at the general context of Smart Growth Initiatives, other controls, performance standards, etc. regarding the commercial/industrial growth issues. Continued to December 1, 2003.

Chestnut Hills Update - Greenhill stated that at the November 3, 2003 Planning Board meeting OHC Development Corp. was directed to determine how they were going to tie-in the drainage structures or address the drainage problems on some of the lots in Chestnut Hill Estates. Greenhill reported that he and Arsenault met with the developer’s engineers on November 7, 2003. At that time the engineers indicated that they intended to tie into the existing drainage system. Staff told them that this would require the public hearing being re-opened and submission of revised drainage calculations. The developer’s engineers also indicated that they would be investigating other solutions. Greenhill reported that the developer’s engineers have not responded back to the Town as yet. Arsenault reported that the binder course is in place on the road and that some of the curbing is complete. Arsenault referenced a letter from the Highway Superintendent to Dan Linscott, Chestnut Hill Estates, regarding winter maintenance. Arsenault stated that winter maintenance is the developer’s responsibility. A resident stated that the contractor has removed the mailboxes in the development and put them in buckets which is causing the mail service to be interrupted. The resident asked if the developer would be responsible for the re-installation of the mailboxes. Arsenault suggested that the residents contact the contractor and request replacement of the mailbox posts. Peraner-Sweet referenced a letter Greenhill received from Dan and Danielle Cohen of 8 Swedes Crossing regarding the drainage structure at the end of their driveway. Greenhill reported that he spoke to Dan Cohen and explained the drainage system. Arsenault suggested that Mr. Cohen speak to the contractor. Shaffer suggested that it be pointed out to the homeowner that moving the drain is not a realistic option. Staff to invite OHC to the next meeting for an update.

Rome Drive – Shaffer recused himself as he is an abutting landowner. Khumalo reported that the Board of Selectmen will be discussing at their meeting of November 18, 2003 a request by residents of Rome Drive to have the Town plow the snow on that roadway this winter.

Reid Farm Barn – Fletcher reported that the Reid Farm Barn was moved on Sunday, November 16, 2003 to the Floral Arts site on Littleton Road.

EXECUTIVE SESSION – Bylaw Challenge Update

It was moved by Shaffer, seconded by Green, and VOTED UNANIMOUSLY, to go into executive session at 7:50 p.m. for the purpose of discussing a

bylaw challenge. A polling of the Board: Fletcher-yes; Peraner-Sweet-yes; Green-yes; Shaffer-yes; Palmer-yes. Other present: Tim Greenhill-Town Planner, Norman Khumalo-Assistant Town Manager and Ellen Doucette-Town Counsel. The Board will reconvene to regular session to complete the remaining agenda items.

RECONVENE TO REGULAR SESSION

The Board reconvened to regular session at 8:10 p.m.

PUBLIC HEARING – LIVING LABS @ NORMAN E. DAY SCHOOL

East Prescott Street, Westford Public Schools, Continued from November 3, 2003

A request was received from the applicant for a continuation of the public hearing. Continued to December 1, 2003 at 7:35 p.m.

PUBLIC HEARING – LAWTON AVENUE – DEFINITIVE SUBDIVISION – COMMON DRIVEWAY

2 Sunny Meadow Lane, Mary-Anne Finnegan, Continued from November 3, 2003

PUBLIC HEARING – LAWTON AVENUE – FLEXIBLE DEVELOPMENT

2 Sunny Meadow Lane, Mary-Anne Finnegan, Open Public Hearing

**It was moved by Peraner-Sweet, seconded by Green, and VOTED
UNANIMOUSLY, to open the public hearing.**

Attorney Douglas Deschenes and Mark Sleger, LANDTECH Consultants, Inc., were present representing the applicant. Deschenes outlined the plans for a flexible development. Deschenes stated that they were able to move the house down from the hill and arrange the proposed structures on the site to give them a better separation. Sleger provided an overview of the flexible development plan. Sleger proposed a 30 ft. wide right-of-way to create frontage for the lots which would be over the existing driveway that runs to the existing house on Lot 2. Sleger outlined the proposed drainage and septic for the development. Sleger stated that the private roadway would be 16 ft. wide up until the first driveway then it would reduce down to 12 ft. for the remaining two homes with a “T” turnaround for emergency vehicles. Arsenault requested that Sleger provide a Stormwater Management Plan for the site. Greenhill addressed the Staff Report dated November 13, 2003 and outlined the comments of the various Town departments. Fletcher suggested language for the Special Permit pertaining to the septic system being pumped annually. The Board concurred. Sleger will provide exact figures on wetlands. Green felt that there were issues with the septic relative to long-term maintenance. Green also felt that the site needed to be better quantified or changed somewhat on Lot 1 based on some of

the aspects of the flexible development bylaw as it relates to the type of open space, the siting of properties and buffers in relation to abutters. Khumalo asked if the applicant would be amenable to discussing affordable housing with the Town. Deschenes stated that he would have to discuss affordable housing with the applicant. Green asked for better controls for the swale from the driveway relative to long-term maintenance.

Peraner-Sweet asked Sleger to put the elevation of the Sullivan house on the plan for review at the next meeting.

Tom Sullivan, 88 Main Street, expressed concerns regarding the runoff. Sullivan asked if the Stormwater Management Plan dealt with water coming on the site during a storm. Arsenault stated that the Stormwater Management Plan deals with how the water on the site will be addressed. Sullivan stated that there is a large swale coming down from the school to Lot 3. Sullivan asked if accessibility to the septic system would be during the winter months. Shaffer suggested that Sullivan address that question to the Board of Health.

Greenhill outlined concerns raised by Bill Turner, Conservation Administrator, relative to runoff coming from the playing fields behind Lot 3 and possible impacts to the leaching field. Turner also suggested restrictions for the open space. Greenhill requested for the next meeting snow removal information, heights of the retaining walls and justification for the waivers.

Continued to December 1, 2003 at 7:45 p.m.

PUBLIC HEARING – WESTFORD TECH PARK WEST – SITE PLAN REVIEW, SPECIAL PERMITS

Concord/Power Road, Westford West Realty Trust (Gutierrez), Continued from November 3, 2003

Michael Holland, Symmes Maini & McKee, Attorney Douglas Deschenes and Doug Fainelli were present. Holland showed a plan of the proposed realignment of the driveway from Littleton Road through the project back to the connector road and removal of the parking along the NETSCOUT building. Holland pointed out the location of the treatment plant. Shaffer asked that Mass Highway review the safety issues relating to the NETSCOUT lower parking lot entrance onto the roadway and the intersection with the new bypass road. Green asked for data regarding the queue lengths and delays with the Power Road driveway.

Larry Gormley, Concord Road, asked what triggers putting in a light in the middle of the connector road. Fletcher stated that because it is a State numbered road the State controls what happens on it and it will take a certain level of traffic to warrant a light. Holland noted that the State does periodic traffic counts on State roads.

Bob Krankewicz, 15 Boston Road, asked for clarification regarding setback requirements. Holland stated that the setback in the Industrial Highway District from the roadway is 100 ft. which is met or exceeded on this plan. Krankewicz asked for clarification regarding a wetland. Holland stated that the wetland in question was a swamp. Krankewicz summarized information from the Secretary of the Environmental Affairs dated October 16, 2003 regarding the Draft EIR.

Tom Spuhler, Concord Road, asked for clarification regarding the stop sign plans. Holland addressed the proposed stop sign. Spuhler asked for an estimate of the number

of cars going down the roadway at rush hour. Holland stated that the estimate is in the data submitted to the Planning Board. Spuhler offered an alternative road layout to ease congestion. Spuhler was also concerned with pedestrian safety.

Peter Severance, Snow Drive, asked which of the parking lots would be non-conforming when either the driveway or the bypass road goes in. Fletcher asked Severance to save his question until the Board reviews the site plan.

Linda Diamond, 7 Trailside Road, asked for Holland to show the plans regarding traffic patterns, building locations and roadway locations. Holland stated that those plans were discussed at the last meeting and that he did not have the drawings with him tonight. Green stated that when site plan review is discussed there will be a discussion regarding phasing.

Holland outlined the three Special Permits regarding the wastewater treatment facility as addressed in his letter dated November 7, 2003. The project requires the storage of Methanol, Sodium Bicarbonate, and Phantom 4 Odor Counteractant for use in the operation of the wastewater treatment facility.

Peter Severance, Snow Drive, stated that Methanol is more toxic and dangerous than isopropyl alcohol. Severance asked how many gallons of Methanol would be stored on the site. Holland stated that two 55-gallon drums would be stored on site.

Bob Krankewicz, 15 Boston Road, asked for clarification regarding the phasing. Fainelli outlined the Phase 1 and Phase 2 in terms of the wastewater treatment facility.

Kate Hollister, Vine Brook Road, asked if the Planning Board could build into Special Permits for wastewater treatment facilities language dealing with monitoring and performance standards for that monitoring. Fletcher stated that typically the Board of Health provides the Planning Board with that information and the set guidelines from the State. Khumalo stated that the Planning Board can include any conditions in the Special Permits that are important on any specific issues as well as include any permits issued by other town boards as an integral part of that decision. Hollister stated that she

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would bring her concerns to the Board of Health. Holland stated that the system will be designed so that part of it can be shut down if it is not needed.

Holland outlined the proposed lighting plan. Peraner-Sweet suggested hiring a consultant and having the plan peer reviewed. **It was moved by Peraner-Sweet, seconded by Palmer, and VOTED UNANIMOUSLY, to send out a Request for Proposal to hire a lighting consultant to review this proposal.**

Deschenes asked that any additional information from residents be provided as soon as possible.

Peter Ewing, Old Homestead Road, asked to be provided with information regarding the traffic and level of service relative to the intersections.

Continued to December 1, 2003 at 7:55 p.m.

PUBLIC HEARING – SHADE TREE ACT – GROTON ROAD

Permanent School Building Committee, Open Public Hearing

It was moved by Peraner-Sweet, seconded by Shaffer, and VOTED UNANIMOUSLY, to open the public hearing.

Greenhill reported that the two trees (12" sugar maple and 20" oak) have been posted. The reason for the request by the Permanent School Building Committee to remove the trees is to increase the site distance into the Stony Brook School. Greenhill also reported that the Tree Warden is in agreement with the removal of the trees. Fletcher asked if there were plans to replace the trees. Greenhill stated that there has been no indication of replacement of the trees at this time. The Board recommended the following condition: two (2) trees (native, flowering trees) will be appropriately placed on the school site at the discretion of the Town Planner.

It was moved by Green, seconded by Peraner-Sweet, and VOTED UNANIMOUSLY, to close the public hearing.

It was moved by Green, seconded by Peraner-Sweet, and VOTED UNANIMOUSLY, to grant a Special Permit to the Permanent School Building Committee, under the Shade Tree Act, for the removal of two trees on Groton Road, a 12" maple and a 20" oak, in line with the conditions as set here this evening.

PUBLIC HEARING – SHADE TREE ACT – CONCORD ROAD

Concord Road (Howard Road to Nashoba Farm), Hicks Realty, Open Public Hearing

It was moved by Peraner-Sweet, seconded by Shaffer, and VOTED UNANIMOUSLY, to open the public hearing.

Attorney Paul Alphen and Mark Sleger, LANDTECH Consultants, Inc. were present for the applicant. Alphen provided a slide presentation for the proposed removal of sixty-two (62) trees located within the public right-of-way along the east side of Concord Road. The request to remove the shade trees is a result of a proposed sidewalk that would stretch from Howard Road to opposite the Nashoba Farm Complex (70 Concord Road). Alphen reported that the applicant obtained an Order of Conditions from the Conservation Commission. The sidewalk can be situated within the town's right-of-way without entering upon private property with the exception of one location. Sleger outlined a spread sheet regarding the sizes of the trees: twenty 1½" – 2" trees; twenty-four 2" – 3" trees; six 3" - 4" trees; and three greater than 6" trees. The Board recommended the following condition: *The applicant to replace twelve (12) trees 1½" –*

2" in caliper in the Hitchin' Post Greens II subdivision with a species of their choice.
Greenhill to notify the abutter who provided the easement of the outcome of this meeting. Fletcher suggested keeping the public hearing open until December 1, 2003 so that the abutter can attend the meeting or provide comments in writing. There was no input from the floor. Continued to December 1, 2003 at 7:30 p.m.

MISCELLANEOUS:

MINUTES

It was moved by Green, seconded by Shaffer, and VOTED 4 IN FAVOR WITH 1 ABSTAINING (Peraner-Sweet), to approve the minutes of October 6, 2003.

It was moved by Green, seconded by Palmer, and VOTED 3 IN FAVOR WITH 2 ABSTAINING (Peraner-Sweet, Shaffer), to approve the minutes of October 20, 2003.

It was moved by Peraner-Sweet, seconded by Green, and VOTED UNANIMOUSLY, to approve the minutes of November 3, 2003.

It was moved by Green, seconded by Shaffer, and VOTED 4 IN FAVOR WITH 1 ABSTAINING (Peraner-Sweet), to approve the minutes of November 4, 2003.

OLD/NEW BUSINESS

Bond Request (December 1st Meeting) – Attorney Paul Alphen stated that a bond request has been made for Weetamoo II regarding the private driveway servicing one home. Alphen asked if the bonding could be done without the

binder course on the driveway. The Board asked that the binder course be established prior to the bonding.

Request to Withdraw Preliminary Subdivision Plans – Attorney Paul Alphen referenced the requests submitted by Mark Sleger, LANDTECH Consultants, Inc., dated November 6, 2003 to withdraw the Preliminary Subdivision Plans for Cannonball Lane, Equity Lane, Minots Place, and Libby Lane and a refund of the filing fees not employed by the Planning Board. The Board directed Staff to calculate how much of the fees were expended from the filing date of November 3, 2003 to receipt of the letters on November 7, 2003. The Board will determine what amount, if any, to be refunded. Continued to December 1, 2003.

Letter from Conservation Commission dated November 5, 2003 regarding St. Augustine's Drive – Mark Sleger, LANDTECH Consultants, Inc., reported that the wetlands line was not shown correctly on the Definitive Subdivision Plan. Sleger has added the new wetlands line and reshaped the retention basin. The retention basin has the same size and storage capacity. **It was moved by Green, seconded by Shaffer, and VOTED UNANIMOUSLY, to direct Staff to incorporate the changes to the retention basin on St. Augustine's Drive as an**

administrative change pending submittal of the appropriate application and appropriate review by the Town.

ADJOURNMENT

It was moved by Peraner-Sweet, seconded by Shaffer, and VOTED UNANIMOUSLY, to adjourn the meeting.

Submitted by Beth Kinney, Recording Secretary